

REMARKS

The following remarks are in response to the Examiner's Office Action mailed on October 9, 2003 and Applicants' telephone interview with Examiner Arun Chakrabarti, Ph.D., on January 21, 2004. Claims 1-3, 6 and 8-9 have been amended. Claims 1-17 are pending.

The Examiner rejected claims 1-17 under 35 U.S.C. §103(a) over O'Hare et al. (PCT International Publication No. WO 00/08182) (February 17, 2000) in view of Watt et al. (U.S. Pat. No. 6,610,495 B1) (August 26, 2003).

Applicants express appreciation to the Examiner for conducting a telephone interview with Applicants on January 21, 2004. Pursuant to the interview, Applicants amend independent claims 1, 3, 6, 8, and 9 to specify a method for selecting **cells** based on whether the cells express a short-lived protein. Each of the claimed methods is a high throughput assay for screening a library of cells within which **a library of different fusion proteins** is expressed. According to the method, the library of different fusion proteins are expressed first and then allowed to degrade in the cells. As specified in claim 1, the cells expressing short-lived proteins are selected and exposed to various agents/conditions such that the agent(s)/condition(s) affecting degradation of the fusion proteins are selected.

In contrast, O'Hare et al. teaches construction of a recombinant virus encoding a **single** herpesviral structural protein, VP22, fused with GFP. See "Abstract", page 1, lines 16-24 and page 10, lines 10-25. This recombinant virus was used to inoculate cells. Thus, O'Hare et al. fails to teach or suggest constructing a library of cells expressing **a library of different fusion proteins**.

The secondary reference, Watt et al., fails to supplement the claim elements missing from O'Hare et al. in order to establish a prima facie case of obviousness under 35 U.S.C. §103(a). Watt et al. merely teaches a general method of identifying modulators of biological interactions and agents. Nowhere in this reference could be found teaching or suggestion of a method for screening agents/conditions affecting protein degradation based on selection of cells expressing short-lived proteins and through utilization of cells expressing a library of different fusion proteins.

In view of the distinct differences between the claimed invention and the teaching of the cited references, a prima facie case of obviousness under 35 U.S.C. §103(a) has not been established. Withdrawal of the rejection is therefore respectfully requested.

Application No. 10/053,516
Amendment dated October 9, 2003
Reply to Office Action of January 22, 2004

CONCLUSION

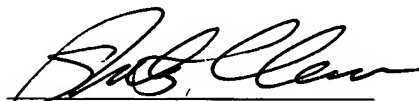
In light of the amendments and arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent to issuance. Should the Examiner have any questions, Examiner is encouraged to telephone the undersigned.

Respectfully,

WILSON SONSINI GOODRICH & ROSATI

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By:



Shirley Chen, Ph.D.
Reg. No. 44,608

650 Page Mill Road
Palo Alto, CA 94304-1505
Direct dial: (650) 565-3856
Customer No. 021971